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Attorneys for Plaintiff
TESLA, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

TESLA, INC., a Texas Corporation,,

Plaintiff,

v.

PROCEPTION, INC., a Delaware Corporation,
and ZHONGJIE “JAY” LI, an individual,

Defendants.

CASE NO. 5:25-cv-04963-SVK

**DECLARATION OF TERRY AHEARN
IN SUPPORT OF PLAINTIFF TESLA,
INC.’S STATEMENT IN SUPPORT OF
SEALING CERTAIN CONFIDENTIAL
MATERIAL IN DEFENDANTS’
OBJECTION TO NEW EVIDENCE AND
PROPOSED SUR-REPLY**

Hearing:

Date: October 22, 2025
Time: 10:00 AM
Place: San Jose Courthouse, Courtroom 6
280 South 1st Street, San Jose, CA
95113

Hon. Susan van Keulen

DECLARATION OF TERRY AHEARN

I, Terry Ahearn, declare as follows:

1. I am an attorney admitted to practice law in the State of California and before this Court. I am currently employed as Managing Counsel for IP Litigation by Plaintiff Tesla, Inc. I am authorized to make these statements on behalf of Tesla. In my current position, I am familiar with Tesla's treatment of proprietary and confidential information. I have access to and personal knowledge of the matters and information set forth in this declaration, and if called upon to testify thereto, can and would competently do so. The information set forth herein is true and based on my personal knowledge unless otherwise stated. The documents and records discussed in this declaration are maintained in the regular course of Tesla's business.

2. I submit this declaration in support of Tesla's Statement in Support of Sealing Certain Confidential Material in Defendants' Objection to New Evidence and Exhibit A to Defendants' Administrative Motion for Leave to File Sur Reply In Support Of Opposition to Plaintiff's Motion for Preliminary Injunction (the "Statement") and in compliance with Local Rule 79-5(c)(2) and Magistrate Judge Susan van Keulen's Standing Order on Administrative Motions to File Under Seal. Specifically, Tesla seeks to seal select descriptive file names, vendor information, references to sensitive Optimus-related projects at Tesla, and the names of Tesla Optimus employees and interns in Defendants' papers. The request for sealing of such information relating to the development of Tesla's Optimus is consistent with Tesla's previous motions to seal in this matter. *See generally* Dkts. 17, 44, 90.

3. Tesla could suffer harm if titles of documents containing its closely guarded trade secrets related to the development of Tesla's Optimus humanoid robot and details regarding the identities of its external vendors are disclosed. These file names and vendor details, are descriptive of Optimus development workstreams, identify valuable trade secret files and other non-public information related to the development of the Optimus hand, and could reveal confidential specifications.

4. Tesla operates in an intensely competitive marketplace, so it has serious and legitimate concerns that competitors and bad actors will exploit any disclosure of its sensitive,

internal files, vendor information, and sensitive references to Optimus projects to gain a competitive advantage or to otherwise harm its business. Tesla takes great care to protect the confidentiality of its sensitive, non-public information. In addition to exposing Tesla to information security vulnerabilities, public disclosure of this information would signal to competitors the confidential strategy and focus areas of Tesla's Optimus development. Tesla could lose market advantage if competitors became privy to its sensitive, non-public information.

5. In addition, Tesla takes very seriously the protection and privacy rights of its Optimus employees given the sensitive nature of their cutting-edge work. The inclusion on the public docket of the identifying information of Tesla employees, as well as the specifics of those employees' work on confidential projects at Tesla and the teams to which they belong, exposes those employees to targeted cyber-attacks, and in turn, Tesla to information security vulnerabilities and endangers its trade secrets, as bad actors and competitors could target these specific employees and network accounts if they sought the theft or misappropriation of non-public and highly sensitive information related to the Optimus project. These threats not only pose a risk to Tesla's competitive standing, but they also compromise the privacy interests of Tesla employees whose proprietary work is often the target of bad actors. There is a significant risk that revealing the identities of these employees on the public docket could make them targets for cyberattacks seeking to gain access to Tesla's systems.

6. In accordance with Local Rule 79-5(d), Tesla requests limited redactions of portions of Defendants' Objection to New Evidence and Exhibit A to Defendants' Administrative Motion for Leave to File Sur Reply In Support Of Opposition to Plaintiff's Motion for Preliminary Injunction , as set forth in the following table:

Document	Portions to be Filed Under Seal	Designating Party	Basis for Sealing
Dkt. 91-3, Exhibit A to Defendants' Administrative Motion for Leave to File Sur Reply ISO	i:5 (name of Tesla employee) 1:8 (name of Tesla employee) 1:9 (sensitive Tesla vendor information) 1:21 (Tesla employee name) 1:23 (sensitive Tesla vendor information)	Tesla	These portions disclose personally identifiable information of non-party Tesla employees or interns that encroach upon

Opposition to Plaintiff's Motion for Preliminary Injunction	1:24 (Tesla employee name) 1:25 (Tesla employee name) 1:26 (Tesla employee name) 1:28 (Tesla employee name) 1:28 (sensitive Tesla vendor information) 2:1 (Tesla employee name) 2:1 (sensitive Tesla vendor information) 2:2 (sensitive Tesla vendor information) 2:3-4 (sensitive Tesla vendor information) 2:8 (Tesla employee name) 2:9 (sensitive Tesla vendor information) 2:22-23 (title of sensitive document related to Optimus) 2:25 (Tesla employee name) 2 n.1 (sensitive Tesla vendor information) 3:1-2 (title of sensitive document related to Optimus) 3:3 (Tesla employee name)		their privacy interests. Additionally, these portions contain descriptive file names and vendor details related to trade secrets and/or the design and development of Tesla's Optimus technology, and could cause security vulnerabilities, endanger trade secrets, and inflict competitive harm on Tesla. <i>See</i> Ahearn Sealing Decl ¶¶ 3–5.
Dkt. 91-2, Defendants Objection to New Evidence and Argument in Plaintiff's Reply ISO Motion for Preliminary Injunction	3:23 (sensitive Tesla vendor information)	Tesla	These portions disclose sensitive vendor details that could cause security vulnerabilities, endanger trade secrets, and inflict competitive harm on Tesla. <i>See</i> Ahearn Sealing Decl ¶¶ 3–5.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct, and that I executed this Declaration on October 14, 2025 in Palo Alto, California.

DATED: October 14, 2025

Respectfully submitted,

By:



Terry Ahearn